

ESTTA Tracking number: **ESTTA692558**

Filing date: **08/29/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054617
Party	Plaintiff Nouvelle Parfumerie Gandour
Correspondence Address	SCOTT R AUSTIN VLP LAW GROUP LLP 5200 N FEDERAL HWY , SUITE 2-1081 FT LAUDERALE, FL 33308 UNITED STATES SAustin@VLPLawGroup.com,Trademarks@VLPLawGroup.com
Submission	Withdrawal of Cancellation
Filer's Name	Scott R. Austin
Filer's e-mail	saustin@vlplawgroup.com
Signature	/Scott R. Austin/
Date	08/29/2015
Attachments	Final 8.29.15 Stipulated Consent Settlement Statement and Withdrawal with Prejudice.pdf(984904 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration
Registration No.: 3,504,398
Serial No. 77/385,169
Filed: January 31, 2008
By: Y.Z.Y., Inc.
For the Trademark: "BIO CLAIRE"

Cancellation No. 92054617

NOUVELLE PARFUMERIE GANDOUR,
an Ivory Coast Corporation,
Petitioner,

v.

Y.Z.Y., Inc.,
a Florida Corporation,
Respondent.

**STIPULATED CONSENT SETTLEMENT STATEMENT
AND
WITHDRAWAL OF CANCELLATION WITH PREJUDICE**

COMES NOW, Petitioner, Nouvelle Parfumerie Gandour and Registrant, Y.Z.Y., Inc., by and through their duly authorized undersigned counsel and in accordance with the parties' Stipulation of Settlement ("Settlement Agreement") dated as of August 27, 2015, hereby stipulate, pursuant to 37 C.F.R. § 2.114(c) and TBMP 605.03(a), as follows:

1. Registrant Y.Z.Y., Inc., pursuant to the Settlement Agreement agrees to assign U.S. Registration. No. 3,504,398 for the mark "BIO CLAIRE" ("Registration"), to Petitioner pursuant to the Trademark Assignment set forth in Exhibit A to the Settlement Agreement and immediately after the effective date of such assignment, cease all use in any manner of the mark "BIO CLAIRE".

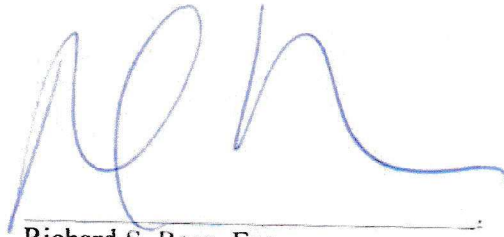
2. Petitioner Nouvelle Parfumerie Gandour, with the consent of Registrant and contingent upon Registrant's assignment to Petitioner of the above-referenced Registration, withdraws the above-captioned Cancellation with prejudice pursuant to 37 C.F.R. § 2.114(c).
3. Each party shall bear its own costs and attorney fees.

Dated this 29 day of August, 2015

Respectfully submitted,



Scott R. Austin, Esq.
VLP Law Group LLP
101 NE Third Avenue
Suite 1500
Fort Lauderdale, Florida 33301
Telephone: 954-204-3744
Facsimile: 954-320-0233
E-mail: saustin@vlpawgroup.com
*Attorney for Petitioner
Nouvelle Parfumerie Gandour*



Richard S. Ross, Esq.
Richard S. Ross, Attorney at Law
4801 S. University Drive
Suite 237
Fort Lauderdale, Florida 33328
Telephone: 954-252-9110
Facsimile: 954-252-9192
E-mail: prodp@ix.netcom.com
*Attorney for Registrant
Y.Z.Y., Inc.*

ELECTRONIC MAILING CERTIFICATE

I hereby certify that the *STIPULATED CONSENT SETTLEMENT STATEMENT*
AND WITHDRAWAL OF CANCELLATION WITH PREJUDICE is being submitted
electronically through the Electronic System for the Trademark Trial and Appeal Board
(ESTTA) on this 29 day of August, 2015.

/Scott R. Austin/
Scott R. Austin
VLP Law Group LLP

CERTIFICATE OF SERVICE BY ELECTRONIC MAIL
PER STIPULATION OF COUNSEL

I hereby certify that on August 29, 2015 a true and correct copy of the *STIPULATED CONSENT SETTLEMENT STATEMENT AND WITHDRAWAL OF CANCELLATION WITH PREJUDICE* is being served via Electronic Mail pursuant to stipulation between the parties, as follows:

Richard S. Ross, Esq.
prodp@ix.netcom.com

Date of Electronic Mailing: August 29, 2015

Printed Name: Scott R. Austin

Signature: /Scott R. Austin/